

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Christopher M. Gratz, Planner II

SUBJECT: Delegation Request, DG 10-2-03 The Shops at Stirling Place, Michael Janoura, 6755-6999 Stirling Road/Generally located at the northwest corner of Stirling Road and SW 70 Avenue.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO AUTHORIZE A CHANGE TO THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS COUNTRY MARKET PLACE; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The applicant's request is to authorize a change to the restrictive note on the Country Market Place Plat (168-8) to reflect the actual square footage constructed on the site. The site plan, SP 12-8-98 The Shops at Stirling Place, was approved on July 7, 1999. The project is now complete and Broward County requires that the Town of Davie concur with the request to change the restrictive note from 80,000 square feet of commercial use to 76,390 square feet of commercial use, so the owner is not obliged to pay impact fees on 3,610 square feet of development that has not and will not occur.

PREVIOUS ACTIONS: None

CONCURRENCES: None.

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Resolution, Justification, Plat, Zoning and Aerial Map

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO AUTHORIZE A CHANGE TO THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS COUNTRY MARKET PLACE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as Country Market Place has been recorded in Plat Book 168, Page 8, of the public records of Broward County; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat to reflect the actual square footage constructed; and,

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby approve the delegation request to change the restrictive note on the Country Market Place Plat (168-8) from 80,000 square feet of commercial use to 76,390 square feet of commercial use.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2003.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2003.



Town of Davie
Planning and Zoning Division
Development Services Department
6591 Orange Drive
Davie, FL 33314

Re: Justification Letter
Delegation Request Application
Folio Numbers 10134-10-00100 and 10134-10-02800
Stirling Place, Inc. d/b/a The Shops at Stirling Place

Members of the Development Review Committee:

Please allow this letter to supplement our attached *Delegation Request Application*.

We are seeking to amend our current Plat Note to reflect the true square footage of our project. The original plat restricted the project to a maximum of 80,000 square feet of commercial use; however, the site is now fully developed and only 76,390 square feet were actually constructed as a result of various regulations, including open space requirements.

Broward County assesses impact fees for a project based on the maximum allowable square footage as defined in the plat note. Unless the plat is formally reduced to reflect the actual built square footage, we will be obligated to pay impact fees on the 3,610 undeveloped square feet. Paying impact fees on square footage that cannot be developed imposes an undue hardship to the project. Therefore, we respectfully request that the Town of Davie approve our application to modify the plat note.

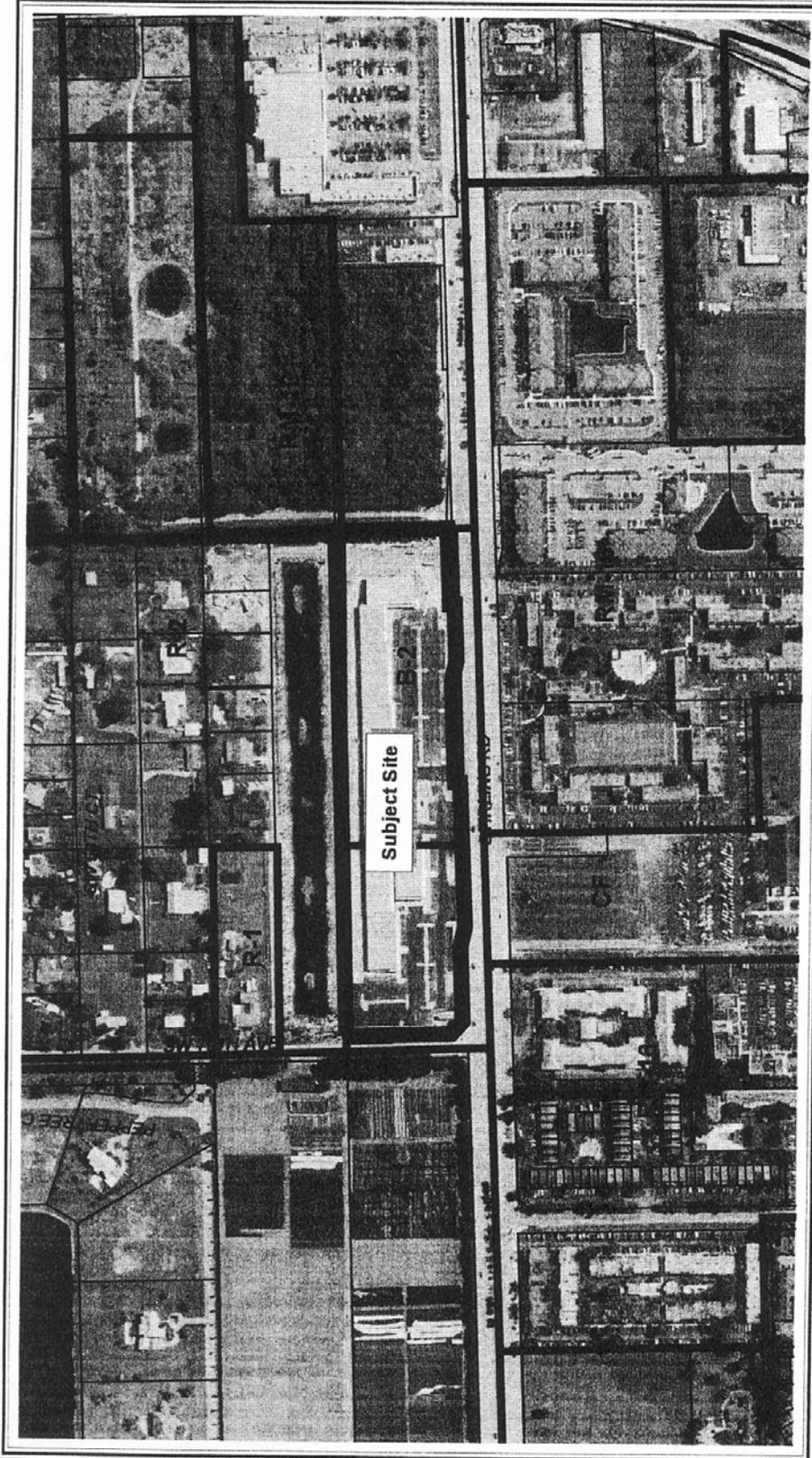
Sincerely,

THE SHOPS AT STIRLING PLACE



Michael Janoura
Vice President

THE SHOPS AT STIRLING PLACE
PHONE 954-741-7620 FAX 954-572-7341
JANOURA REALTY & MANAGEMENT, INC.



Subject Site

Date Flown:
12/31/00



300 0 300 600 Feet



Planning & Zoning Division - GIS



Delegation Request DC 10-2-03 Country Market Place Zoning and Aerial Map

Prepared By: CMG
Date Prepared: 12/2/03